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8           UNITED STATES DISTRICT COURT  
9           WESTERN DISTRICT OF WASHINGTON  
10           AT TACOMA  
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12           ALONZO LAMAR BRADLEY,

13           Petitioner,

14           v.

15           MARGARET GILBERT,

16           Respondent.

17           CASE NO. C12-5939 BHS-JRC

18           REPORT AND RECOMMENDATION

19           NOTED FOR:

20           APRIL 19, 2013

21           The District Court has referred this petition for a writ of habeas corpus to United States  
22 Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §  
23 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed the  
24 petition pursuant to 28 U.S.C. § 2254.

25           On March 6, 2013, after respondent had filed an answer, petitioner filed a letter  
26 informing the Court that he wished to withdraw his action so that he could pursue unexhausted  
27 claims in state court (ECF No. 20). Fed. R. Civ. P. 41(2) allows for dismissal by Court order  
28 after an answer has been filed. The Court recommends granting petitioner's request and  
29 dismissing this petition without prejudice.

1 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
2 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.  
3 6. Failure to file objections will result in a waiver of those objections for purposes of de novo  
4 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit  
5 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on April  
6 19, 2013, as noted in the caption

7 Dated this 19<sup>th</sup> day of March, 2013.

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10 J. Richard Creatura  
United States Magistrate Judge

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